

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 10, 19 79

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council
Chambers Tuesday evening July 10 A.D., 19 79, in
Regular Session. President Winfield C. Moses, Jr. in the chair,
and Charles W. Westerman Clerk, at the desk, present the following

members _____ viz:

BURNS α, HINGA α, HUNTER α,
MOSES α, NUCKOLS α, DONALD SCHMIDT α,
VIVIAN SCHMIDT α, STIER α, TALARICO α,
ABSENT _____

COUNCILMAN _____,
_____, _____,
_____, _____,

The invocation was given by _____

Received report from the City Controller for the month of _____,
19 _____. Motion made and carried that report be made a matter of record and placed
on file.

The minutes of the last Regular June 26, 19 79,
_____, 19 _____,
Special _____, 19 _____,

Session having been delivered to the Council, were, on motion, approved and
published.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

July 5, 1979

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, July 5, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting on June 26, 1979.

(Bill No. S-79-06-34)
SPECIAL ORDINANCE NO. S-96-79

AN ORDINANCE AMENDING ORDINANCE NO. S-77-79 ADOPTED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA ON MAY 22, 1979

(Bill No. R-79-06-23)
RESOLUTION NO. R-29-79

Resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$4,500,000 Economic Revenue Bonds (Central-Walter-Sunbelt Partnership)

(Bill No. R-79-06-22)
RESOLUTION NO. R-30-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$3,000,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. G-79-04-08)
GENERAL ORDINANCE NO. G-13-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain road

7-10-79
MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK



(Bill No. S-79-06-09)
SPECIAL ORDINANCE NO. S-97-79

AN ORDINANCE approving Civil City Blanket Purchase Orders Nos. B4-06376, B4-06377 and B4-06378 with Bituminous Materials, Inc. for materials for the Street Department

(Bill No. G-79-06-10)
GENERAL ORDINANCE NO. G-12-79

AN ORDINANCE approving the Board of Public Works proposed Capital Program Expenditures for 1980 and Amendment to the 1979 Capital Improvement Expenditures

(Bill No. S-79-06-11)
SPECIAL ORDINANCE NO. S-98-79

AN ORDINANCE approving City Utilities Purchase Order No. 1091 with Ford Meter Box Company for equipment for the Water Maintenance & Service Department

(Bill No. S-79-06-12)
SPECIAL ORDINANCE NO. S-99-79

AN ORDINANCE approving Change Order No. 1, Sewer Improvement Resolution No. 302-78, in connection with Kruge Place Addition Sanitary Sewer

(Bill No. S-79-06-13)
SPECIAL ORDINANCE NO. S-100-79

AN ORDINANCE amending certain sections of Chapter 24 "Sewer and Sewerage Systems" so as to adjust rates and other provisions prescribed therein

(Bill No. S-79-06-14)
SPECIAL ORDINANCE NO. S-101-79

AN ORDINANCE approving City Utilities Purchase Order No. 1109 with Price Brothers Company for equipment for the Water Maintenance & Service Department

(Bill No. S-79-06-16)
SPECIAL ORDINANCE NO. S-102-79

AN ORDINANCE approving City Utilities Purchase Order No. 1087 with Tomco Equipment Company for equipment for the Three Rivers Filtration Plan

(Bill No. S-79-06-17)
SPECIAL ORDINANCE NO. S-103-79

AN ORDINANCE approving City Utilities Purchase Order No. 1090 with Overhead Door Company for overhead doors for the Water Pollution Control Maintenance Department

(Bill No. S-79-06-18)
SPECIAL ORDINANCE NO. S-104-79

AN ORDINANCE approving City Utilities Purchase Order No. 1102 with General Electric Apparatus Service Shop for repair of Hydro-Electric Generator for Three Rivers Filtration Plant

(Bill No. S-79-06-19)
SPECIAL ORDINANCE NO. S-105-79

AN ORDINANCE approving partial release of a sewer easement and authorizing the Mayor and City Clerk to execute and deliver a quit claim deed thereto

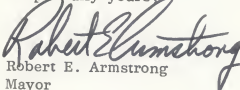
(Bill No. X-77-06-26)
(AS AMENDED)
ANNEXATION ORDINANCE NO. X-04-79

AN ORDINANCE annexing certain territory to the City of Fort Wayne, and including the same in Councilmanic District No. 2

(Bill No. G-79-05-26)
(AS AMENDED)
GENERAL ORDINANCE NO. G-14-79

AN ORDINANCE AMENDING ARTICLE III CHAPTER 27, SECTIONS 27-22; 27-23; 27-24; 27-25; 27-26; 27-27; 27-31; 27-32 AND ADDING SECTION 27-33 OF THE CODE OF THE CITY OF FORT WAYNE OF 1974

Respectfully yours,


Robert E. Armstrong
Mayor



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 July 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-79-05-10

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of July 1979.

Thomas G. Adams
Secretary

7-10-79
DATE _____ MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 July 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held June 25, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-79-05-10
2. From R-2 to B-3-B
3. Intended Use: Used Car Lot & Repair
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reason:

- a. The rezoning may conflict with the zoning policies outlined for the Hanna-Creighton Plan which discourages additional spot zoning, especially commercial rezoning along Creighton Street.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-05-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 18, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 25, 1979.

Certified and signed this
3rd day of July 1979.

Thomas G. Adams

Thomas G. Adams
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 July 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated street.

The proposed ordinance is designated as:

Bill No. G-79-05-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
3rd day of July 1979.

Thomas G. Adams
Secretary

7-10-79
DATE _____ MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

3 July 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held June 25, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-05-11
2. Intended Use: Vacated right-of-way will be utilized by the abutting property owners.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- a. This vacation will not affect the remaining public right-of-way of the street.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachments

67-222-13 1/5/79

R E S O L U T I O N NO. 67-222-13

WHEREAS, MABEL TOBIN has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, Indiana, to-wit:

Part of Garfield Street lying west of Lot #26 and Lot #27 in Anthony Boulevard Place Addition, more particularly described as follows:

Commencing at the Northwest corner of Lot #26 in Anthony Boulevard Place Addition said point being the East right-of-way line of Garfield Street; thence southeasterly along the West line of Lot #26 a distance of 10.1 feet to the point of beginning; thence South and parallel to the East line of Lot #26 and Lot #27 a distance of 82 feet; thence East and parallel to the South line of Lot #27 a distance of 37.5 feet to a point on the West line of Lot #27, which said point is the point of intersection of the South and West lines of Lot #27; thence Northwesterly on and along the West lines of Lot #27 and Lot #26 to the point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN)

SS:

I, Henry P. Nehsenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held July 5, 1979 and as same appears of record in the official records of said Board of Public Works.

RESOLUTION

Vacation Portion of Garfield Street

Page two

DATED THIS 5th DAY OF July 1979
FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

RESOLUTION

WHEREAS, MABEL TOBIN has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, Indiana, to-wit:

Part of Garfield Street lying west of Lot #26 and Lot #27 in Anthony Boulevard Place Addition, more particularly described as follows:

Commencing at the Northwest corner of Lot #26 in Anthony Boulevard Place Addition said point being the East right-of-way line of Garfield Street; thence southeasterly along the West line of Lot #26 a distance of 10.1 feet to the point of beginning; thence South and parallel to the East line of Lot #26 and Lot #27 a distance of 82 feet; thence East and parallel to the South line of Lot #27 a distance of 37.5 feet to a point on the West line of Lot #27, which said point is the point of intersection of the South and West lines of Lot #27; thence Northwesterly on and along the West lines of Lot #27 and Lot #26 to the point of beginning

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on June 18, 1979 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED, by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the street in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Thomas G. Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held June 18, 1979 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 3rd DAY OF July 19 79

FORT WAYNE CITY PLAN COMMISSION

Thomas G. Adams

Thomas G. Adams
Secretary

Memorandum

To Members of Common Council

Date July 2, 1979

From John Stafford / CD&P

Subject Concordia Gardens Annexation

COPIES TO:

W. Moses
J. Stier
P. Burns
F. Hunter
J. Nuckols
D. Schmidt
V. Schmidt
S. Talarico
C. Westerman
J. Logan
K. Scrogham

Attached is a copy of the Concordia Gardens Annexation Fiscal Plan and a resolution from the City Plan Commission recommending a DO PASS for this annexation, Bill NO. X-77-06-27. The ordinance has also been returned to the City Clerk. Please inform us as to the date of any public hearing or other meeting on this matter and we will be sure to attend, prepared to discuss this with you and to answer your questions.

On September 1, 1979, the State annexation law, I.C. 18-5-10-25 will change slightly with regard to the provision of services. Should the Council not pass this ordinance before September 1, 1979, we propose that Section 2 of the ordinance be stricken and replaced with the following:

SECTION 2. It is the policy of the City of Fort Wayne to furnish the above described territory within a period of one (1) year governmental services of a non-capital nature in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City which have similar topography, patterns of land utilization, and population density to the said described territory. It is also the policy of the City of Fort Wayne to provide services of a capital improvement nature to the annexed territory in the same manner as such services are provided to areas already in the City with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state, and local laws, procedures and planning criteria.

Again, our planning and legal staff will be available to discuss these changes with you.

7-10-79
DATE

MADE A MATTER OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF THE CITY PLAN COMMISSION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, referred a proposed annexation for the Concordia Gardens area, Bill No. X-77-06-27; and,

WHEREAS, the City Plan Commission reviewed such proposed ordinance and fiscal plan on June 25, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that the advantages to the City outweigh the disadvantages, the annexation will be in the best interest of and benefit to the area involved and of and to the City, the area is urban in character and the City would continue to realize an active growth from the standpoint that development has already taken place around the City, and the annexation will not be detrimental to and does not conflict with the overall City plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council.

This is to certify that the above resolution was adopted at the meeting of the City Plan Commission held on June 25, 1979.


Thomas Adams
Secretary

Certified and signed this 29TH day of June, 1979.

ACKNOWLEDGEMENT OF APPOINTMENT

June 26, 1979

Common Council Regular Session

The Common Council of the City of Fort Wayne, Indiana, acknowledged the reappointment during committee session, of Oren L. Collins to the Board of Trustee - Fort Wayne Redevelopment Commission.

Oren L. Collins, was therefore duly appointed to the Board of Trustee - Fort Wayne Redevelopment Commission.

ATTEST:

Charles W. Westerman
Charles W. Westerman
City Clerk

7-10-79
MADE A MATTER OF RECORD
DATE _____ CHARLES W. WESTERMAN, CITY CLERK

CLERK'S ACKNOWLEDGEMENT

Acknowledgement of Petition - regarding Ardmore/Covington Sewers:

We the following people affected by the Ardmore/Covington Sanitary Sewer Project petition against said sewer project and ask that septic conditions as present remain in an, as is, condition: (Petition attached to ordinance). This petition was presented by Thomas G. Lemback, at the office of the City Clerk on July 3, 1979, was submitted by the City Clerk to the Common Council and attached to Bill No. S-79-06-30, on July 3, 1979. Said petition affected some 30 properties with improvements regarding the Ardmore/Covington Sewers. A total of 23 signatures were submitted, 13 of the signatures were found to be valid, and 10 of the signatures were found to be invalid (non-property owners).

ATTEST:


Charles W. Westerman
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 June 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

G-79-01-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of June 1979.

Thomas Adams
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

28 June 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held February 19, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-79-01-11
2. Intended Use: Vacated right-of-way will be utilized by abutting property owners.
3. Plan Commission Recommendation: DO PASS with conditions.

CONDITIONS:

- a. That this request should not become effective until March 31, 1979.
- b. Subject to all necessary easements.

NOTE: All easements required have been met to the satisfaction of the City.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten
Gary F. Baeten
Senior Planner

GFB:pb

Attachments



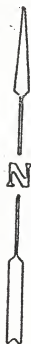
VACATE ALLEY

MAP NO. L-6

G-79-01-11

BY M.F. CROSLLEY

11-3-78



14179

RESOLUTION NO. 67-217-23

WHEREAS, ST. JOSEPH HOSPITAL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, to-wit:

A public alley running from Broadway on the east to VanBuren Street on the west, which alley is between Berry and Wayne Street to the City of Fort Wayne, Indiana, being in Rockhill's Amended Addition, Fort Wayne, Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineer, Water Pollution Control Engineering, Electrical Engineering, Park Board and the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held Monday, July 2, 1979 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 2nd DAY OF July, 1979
FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. LaMar
Ethel H. LaMar, Member

Max G. Scott
Max G. Scott, Member

RESOLUTION

WHEREAS, ST. JOSEPH HOSPITAL has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

A public alley running from Broadway on the east to VanBuren Street on the west, which alley is between Berry and Wayne Street to the City of Fort Wayne, Indiana, being in Rockhill's Amended Addition, Fort Wayne, Allen County, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on February 12, 1979, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Thomas Adams, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held February 19, 1979, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 28th DAY OF June 19 79

FORT WAYNE CITY PLAN COMMISSION

Thomas G. Adams
Thomas G. Adams
7-10-79
DATE 7-10-79 MADE SECRETARY OF RECORD
CHARLES W. WESTERMAN, CITY CLERK

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 10th day of July, 19 79 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 12th day of July, 19 79.

Charles W. Westerman
Charles W. Westerman
City Clerk